

## Federal Property Management Regulations

## § 101-40.103-3

improvement, and maintenance of effective freight transportation and traffic management policies, practices, and procedures to meet executive agency program requirements.

[51 FR 24331, July 3, 1986]

### § 101-40.102 Representation before regulatory bodies.

The statutory authority for the Administrator of General Services to participate in regulatory proceedings is contained in section 201 of the Federal Property and Administrative Services Act of 1949, as amended. In general, no executive agency subject to the act may appear on its own behalf in any proceedings before a transportation regulatory body. Representation is either provided by the Administrator or, in certain instances, authority, with the approval of the Administrator, may be delegated to certain officials in the General Services Administration or to the head of another executive agency to represent itself pursuant to section 205(d) of the act (40 U.S.C. 486(d)).

(a) With respect to carriers' tariffs, rates, and operating authority, agencies shall submit their requests and recommendation for representation before regulatory bodies to the GSA Central Office for further processing.

(b) When a shipper's affidavit in support of a carrier's application for operating authority is required by law, the requesting agencies shall furnish the General Services Administration with such information and the appropriate form(s) as may be prescribed by transportation regulatory bodies in proceedings of this kind.

[51 FR 24331, July 3, 1986, as amended at 52 FR 21032, June 4, 1987]

### § 101-40.103 Selection of carriers.

#### § 101-40.103-1 Domestic transportation.

Preferential treatment, normally, shall not be accorded to any commercial mode of transportation (motor, rail, air, or water) or to any particular commercial carrier when arranging for domestic transportation services. However, where for valid reasons, a particular mode of transportation or a particular carrier within that mode must be used to meet specific program

requirements and/or limitations, only that mode or carrier shall be considered. Examples of valid reasons for considering only a particular mode or carrier are (a) where only a certain mode of transportation or individual carrier is able to provide the needed service or is able to meet the required delivery date; and (b) where the consignee's installation and related facilities preclude or are not conducive to service by all modes of transportation. (See also § 101.40.303-1.)

#### § 101-40.103-2 International transportation.

(See § 1-1.323 of this title and 4 CFR 52.2 for a certificate required for non-use of U.S.-flag vessels or U.S.-flag certificated air carriers.)

(a) *U.S.-flag ocean carriers.* Arrangements for international ocean transportation services by privately owned U.S.-flag vessels shall be made in accordance with the provisions of section 901(b) of the Merchant Marine Act of 1936, as amended by the Cargo Preference Act of 1954, 46 U.S.C. 1241(b). (See also 48 CFR subpart 47.5.)

(b) *U.S.-flag air carriers.* Arrangements for international air transportation services shall be made in accordance with the so-called Fly America Act, as enacted by section 5 of the International Fair Competitive Practices Act of 1974, Public Law 93-623, January 3, 1975, as amended by section 21 of the International Air Transportation Competition Act of 1979, Public Law 96-192, February 15, 1980 (49 U.S.C. 1517). These acts require the use of U.S.-flag air carriers for international movement of property to the extent that services by these carriers are available. (See also 48 CFR subpart 47.4.)

[45 FR 85752, Dec. 30, 1980, as amended at 51 FR 24331, July 3, 1986; 52 FR 21032, June 4, 1987]

#### § 101-40.103-3 Coastwise transportation.

As stated in 46 U.S.C. 883, no merchandise shall be transported by water, or by land and water, between points in the United States, including Districts, Territories, and possessions thereof embraced within the coastwise laws, either directly or via a foreign port, or

#### **§ 101-40.104**

for any part of the transportation, in any other vessel than a vessel built in and documented under laws of the United States and owned by persons who are citizens of the United States or vessels to which the privilege of engaging in coastwise trade is extended by sections 13 and 808 of title 46 of the United States Code. There are exceptions and limitations to this basic provision, especially with regard to the United States island territories and possessions in the Atlantic and Pacific Oceans. (For example, see 46 U.S.C. 877 relative to the Virgin Islands; 48 U.S.C. 1664 relative to American Samoa; and Presidential Proclamation 3215, December 12, 1957, relative to Canton Island.) Agencies shall comply with the current U.S. coastwise laws and any amendments to them. The Secretary of Treasury is empowered to impose monetary penalties against agencies which violate the coastwise laws.

[52 FR 21032, June 4, 1987]

#### **§ 101-40.104 Insurance against transportation hazards.**

The policy of the Government with respect to insurance of its property while in the possession of commercial carriers is set forth in 48 CFR 47.102.

[52 FR 21032, June 4, 1987]

#### **§ 101-40.105 Use of Government-owned transportation equipment.**

Generally, the preferred method of transporting property for the Government is through use of the facilities and services of commercial carriers. However, under certain circumstances, Government vehicles may be used when they are available. They may be used for such purposes as local transfer of property, pickup or delivery services which are not performed by the commercial carriers in connection with the line-haul transportation, transportation of property to meet emergencies, and accomplishment of program objectives which cannot be attained through use of commercial carriers.

#### **§ 101-40.106 Reports.**

Subject to the provisions of 41 CFR 201-45.6, each executive agency shall submit reports concerning its transpor-

#### **41 CFR Ch. 101 (7-1-00 Edition)**

tation procedures, practices, and operations to the GSA Central Office when requested.

[51 FR 24332, July 3, 1986]

#### **§ 101-40.107 Surveys.**

As necessary and after adequate advance notice to the agencies affected, or upon request of agencies, GSA will make onsite surveys of transportation activities and will make recommendations, when necessary, for changes in agencies' policies, standards, practices, and procedures to improve transportation concepts and operations at all levels.

#### **§ 101-40.108 Transportation seminars and workshops.**

GSA conducts transportation seminars and workshops for the benefit of executive agency personnel assigned functions relating to the movement of Government materials. The objective of this training is to broaden traffic management knowledge and experience within the agency and to enhance economy of operations. Seminars on the use of socially and economically disadvantaged carriers are conducted by the GSA regional offices in coordination with the GSA Central Office. All other seminars are conducted through GSA Training Center (CTD). GSA regional offices will conduct workshops on transportation subjects designed to meet specific agency needs. Agencies desiring assistance in these matters should direct their requests to the appropriate GSA regional office or to the General Services Administration, GSA Training Center (CTD), P.O. Box 15608, Arlington, VA 22215, as appropriate.

[51 FR 24332, July 3, 1986]

#### **§ 101-40.109 Availability of transportation-related contracts and agreements.**

##### **§ 101-40.109-1 Miscellaneous transportation-related contracts and agreements.**

(a) The GSA Central Office or the appropriate GSA regional office will, as considered necessary, enter into agreements or contracts for transportation and related services, including but not limited to stevedoring, storage, drayage, packing, marking, ocean